

Notice of Allowability

Application No.

10/727,303

Examiner

Jason M. Borlinghaus

Applicant(s)

GALLAGHER ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/02/07.
2. ☒ The allowed claim(s) is/are 1 - 3, 6 - 8, 11, 23 - 27, 28 - 29, 36 - 42 and 48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/18/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Timmerman on 12/13/07.

Abstract has been amended as follows:

Systems ~~and methods~~ for effecting online financial transactions between individuals are disclosed, ~~or between individuals and entities such as banks, merchants and other companies. Each user accesses a fund exchange server to establish an online account, which is used to transfer funds to and from other entities' online accounts. To fund an online account, funds can be transferred to the online account from a credit card account or from another online account. To withdraw funds, money can be transferred to a credit card account or other bank account. Any user may initiate a send money transaction or a request payment transaction with any other entity provided that entity has an e-mail address. For a send money transaction, the user sending money (payor) enters an amount of funds to be transferred and an e-mail address of the recipient of the funds (payee). The transfer request may include an identity confirmation through which the payor confirms the identity of the payee.~~ The

system sends an e-mail message to the payee at the address provided indicating that the amount of funds has been "received" on the payee's behalf. The payee may must then either open an online account or identify an existing online account to complete the transaction as well as provide identity confirmation for the payor. ~~For a request money transaction, a user enters an amount of funds owed and an e-mail address for the recipient of the payment request (payor), and the system sends a payment request to the payor via e-mail at the provided address. If the payor accepts the payment request, the payor identifies an online account from which to transfer funds to the payee (initiator of the payment request). If the payor does not have an online account established, the payor must sign up for an online account and provide a credit card number to fund the online account. Thereafter, the amount of funds are transferred to the payee and the system sends an e-mail notification to the payee indicating that the funds have been "received" on the payee's behalf. In both cases, to complete a transaction, the payee must direct the received funds to an online account, for example, by providing an online account number and/or other identifying information such as a password. The payor may cancel the transaction at any time until the payee directs the received funds to an online account.~~ Upon confirmation, the transfer may occur.

Claims 1, 23 – 24 and 36 have been amended as follows:

Claim 1. A computer implemented method of transferring funds from an online account associated with a first user to a recipient online account, the method comprising:

receiving a transfer request from the first user, the transfer request including an amount of funds for transfer from the online account and identification information for a recipient of the funds, the identification information including an electronic message address associated with the recipient, further wherein the transfer request includes a request for identity confirmation;

automatically sending an electronic message to the recipient using the electronic message address, the electronic message indicating that funds are ready for transfer to the recipient and requesting a response from the recipient for the identity confirmation ~~accepting or rejecting the transfer of funds;~~

receiving the response from the recipient accepting or rejecting the transfer of funds wherein the response includes a request by the recipient to open an account upon an acceptance of the transfer of funds, further wherein the response includes the response for the identity confirmation;

sending an electronic message to the first user notifying the first user whether the recipient rejects the transfer of funds, ~~wherein a rejection of the transfer of funds results in no transfer of the funds~~ wherein the electronic message includes the response for the identity confirmation;

initiating opening the recipient online account for the recipient upon the acceptance of the transfer of funds;

receiving from the first user an acceptance or a rejection of the identity confirmation-information-identifying the recipient online account; and
transferring said amount of funds from the first account to the recipient online account associated with the recipient upon the acceptance of the transfer of funds and upon acceptance of the identity confirmation.

Claim 23. In a computer network, a computer system communicably coupled to a database of user accounts, the user accounts including values representing funds maintained by a financial institution on behalf of the users, the computer system executing code for updating the values in the user accounts, the code including instructions for:

processing a transfer request received by the computer system from a first user over the network, the transfer request including an amount of funds for transfer from a first user account associated with the first user and identification information for a second user, the identification information including an electronic message address for the second user, wherein the transfer request further includes a request for identity confirmation;

automatically sending an electronic message to the second user using the electronic message address, the electronic message indicating that funds are ready for transfer to the second user and requesting a response from the second user accepting or rejecting the transfer of funds;

processing the response received from the second user to determine whether the second user has accepted or rejected the transfer of funds, wherein the response includes a request by the second user to open an account;

sending an electronic message to the first user notifying the first user whether the second user has rejected the transfer of funds;

opening a second account for the second user;

receiving information identifying the second account for the second user;

automatically sending an electronic message to the first user with identification information for the second account associated with the second user and providing a response from the second user for the identity confirmation; and

updating the values of the first user account and the second account associated with the second user to reflect that the amount of funds was transferred from the first user to the second user when the response received from the second user indicates acceptance and the first user accepts the response from the second user for the identity confirmation.

Claim 24. The system of claim 2823, wherein the electronic message address is an e mail address, and wherein the electronic message is an e-mail message.

Claim 36. A computer implemented method of transferring funds between user accounts in a computer network including a plurality of affiliate banks, wherein the affiliate banks conduct fund transfer settlements, the method comprising the steps of receiving a transfer request to transfer funds from a first online account associated with a first user to a second online account associated with a second user, wherein the transfer request includes a bank identifier that identifies a first of the plurality of affiliate banks and the transfer request includes an identity confirmation with a query for the second user; and

transferring funds from the first online account to the second online account after the second user has approved the transfer request and the first user receives and verifies identity information including verifying the identity confirmation with an answer to the query for from the second user, ~~the identity confirmation including an answer from the second user to the query from the first user;~~

wherein the identified first affiliate bank conducts the fund transfer settlement for the transferred funds on behalf of the first user.

Allowable Subject Matter

Claims 1 – 3, 6 – 8, 11, 23—24, 28 – 29, 36 – 42 and 48 are allowed.

The following is a statement of reasons for indication of allowable subject matter.

The prior art fails to teach or suggest, the limitations of:

“wherein the transfer request includes a request for identity confirmation...

requesting a response from the recipient for the identity confirmation...

wherein the response includes the response for identity confirmation...

receiving from the first user an acceptance or a rejection of the identity confirmation." (as in Claim 1).

Such limitation is present in all independent claims.

It is well known in the art for electronic fund transfer systems to obtain identity confirmation from the intended recipient of funds before dispersal of funds. Identity confirmation is usually conducted via examination of the photographic identification (e.g. driver license or passport) of the recipient when fund dispersal is conducted by an individual, such as a bank teller. Identity confirmation can also be conducted via certification with a central server of a personal identification number or a password presented by the recipient when fund dispersal is conducted by a computerized system, such as an automated teller machine.

The instant application distinguishes from these common practices by not having the dispersal unit confirm the recipient's identity autonomously of the sender. The dispersal unit does not utilize its own judgment in examining the recipient's credentials. The dispersal unit does not consult its own internal records stored on its own internal server. Rather than allow the dispersal unit confirm the identity of the recipient, the instant application routes identity confirmation information from the recipient to the sender, allowing the sender to make the ultimate determination.

Marcous (US Patent 5,650,604) discloses an electronic fund transfer system in which the intended recipient of funds confirms his identity to the dispersal unit through provision of a personal identity number and security code. The system does not contact

the sender of funds, allowing the sender to determine whether the submitted identity confirmation information is sufficient. Rather, the system consults its internally maintained records to confirm the recipient's identity. Neither this patent, alone nor in combination with others, discloses nor suggests the feature of transmitting the recipient identity confirmation information to the sender for acceptance or rejection of such information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

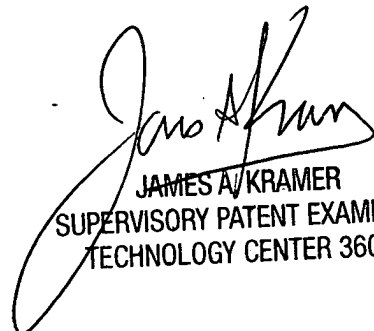
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Borlinghaus (JMB)

December 13, 2007

 12.20.07
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